

Remarks:

With regards to the Office Action dated 02/17/2005, Examiner has objected to claims 21-28, 39 and 40 because the language "so as to substantially maximize the spacing of said twelve depressible areas, while, substantially minimizing the spacing of said principle buttons" (claims 21 and 39, lines 10 and 11) is functional and vague in that it is unclear how spacing of buttons can be minimized while the spacing of the twelve depressible areas of the buttons are maximized." Applicant wishes to respectfully disagree with Examiner. The novel spacing arrangement was explained in detail, more than once, in the present application. See page 6, at lines 12-22 wherein "The three principle buttons 5, 7 and 9 of telephony keypad 3 are spaced apart and positioned relative to each other so as to maximize the spacing of the twelve depressible areas, while, minimizing the distance between the principle buttons. In other words, the spacing distance between two adjacent depressible areas of a single button, is about the same as the spacing distance between a depressible area of one button to an adjacent depressible area of another adjacent button. However, the spacing distance between two adjacent depressible areas of a single button, may be slightly more than or slightly less than the spacing distance between a depressible area of one button to an adjacent depressible area of another adjacent button." **It is important to understand that applicant did not wish to limit the invention based solely upon this spacing criteria, so some of the drawings show the spacing distance between two adjacent depressible**

**areas of a single button to be slightly more than or slightly less than the spacing distance between a depressible area of one button to an adjacent depressible area of another adjacent button. Yet in Figures 11 and 12, the spacing distance between two adjacent depressible areas of a single button is about the same as the spacing distance between a depressible area of one button to an adjacent depressible area of another adjacent button. Also see Page 9 at lines 5-17 wherein "In addition, the three principle buttons 95, 97 and 99 of telephony keypad 101 are spaced apart and positioned relative to each other so as to maximize the spacing of the twelve depressible areas 103, 105, 107, 109, 111, 113, 115, 117, 119, 121, 123 and 125 as shown, while, minimizing the distance between the principle buttons. In preferred embodiments of the present invention, the spacing distance between two adjacent depressible areas of a single button, is about the same as the spacing distance between a depressible area of one button to an adjacent depressible area of another adjacent button. However, the spacing distance between two adjacent depressible areas of a single button, may be slightly more than or slightly less than the spacing distance between a depressible area of one button to an adjacent depressible area of another adjacent button. In preferred embodiments, the spacing is about the same."**

Examiner has further rejected Claims 30, 35-38 and 40 under U.S.C. 112, first paragraph, as failing to comply with the written description requirement. "The claim(s) contains subject matter which was not described in the

specification in such a way as to reasonably convey to one skilled in the art that the inventor(s), at the time the application was filed, had possession of the claimed invention. And, Examiner further states that the specification does not teach "the depressible areas of each of said buttons are positionally rotated about 45 degrees relative to the positioning of the depressible areas of an adjacent button, as recited in the claims." Once again, Applicant respectfully disagrees with the Examiner. Surely, the Applicant had possession of the claimed invention at the time the application was filed, because the original Figure drawings 1, 2, 3, 5, 6, 7, 8, 9, 10, 11, 12 and 13 all clearly show that "the depressible areas of each of said buttons are positionally rotated about 45 degrees relative to the positioning of the depressible areas of an adjacent button." This claimed feature is, in fact, clearly disclosed in twelve of thirteen original Figures providing substantial and distinct disclosure that surely would be understandable by "one skilled in the art."

And, Examiner has further rejected claims 21-40 under 35 U.S.C. 103(a) as being unpatentable over Crisan (US 2003/0121964 A1) in view of Strauch et al (US 5,861,823). Once again, Applicant wishes to respectfully disagree with the Examiner. Crisan is pursuing keypad buttons with multifunctional capabilities including primary and secondary data entry values; while significantly different, Macor is pursuing the form and function of a keypad including the novel spacing of the buttons to provide enhanced ergonomics and precise human data entry for a small or miniaturized keypad. Crisan does not claim, teach or render obvious

that the principle buttons of his invention device be "spaced apart and positioned relative to each other so as to substantially maximize the spacing of the depressible areas, while, substantially minimizing the spacing of the buttons." See Crisan written disclosure and Figures 1-10. Contrary to Crisan, preferred embodiments of the present invention have the buttons "spaced apart and positioned relative to each other so as to substantially maximize the spacing of the twelve depressible areas, while, substantially minimizing the spacing of the principle buttons."

In addition to the above, Crisan does not claim, teach or render obvious that "the spacing distance between two adjacent depressible areas from one principle button be substantially the same as the spacing distance between two adjacent depressible areas from two separate adjacent principle buttons." See Crisan written disclosure and Figures 1-10. Contrary to Crisan, in some preferred embodiments of the present invention "the spacing distance between two adjacent depressible areas from one principle button is substantially the same as the spacing distance between two adjacent depressible areas from two separate adjacent principle buttons." Again, it is important to point out that Crisan is pursuing keypad buttons with multifunctional capabilities including primary and secondary data entry values; while significantly different, Macor is pursuing the form and function of a keypad including the novel spacing of the buttons to provide enhanced ergonomics and precise human data entry for a small or miniaturized keypad. See Macor objectives on Page 3 at lines 8-17, "It

is an important objective of the present invention to provide for a smaller telephony device, thereby providing the user with greater portability. It is another important objective of the present invention to provide for a smaller telephony keypad, so as to provide for a smaller telephony device. It is another important objective of the present invention to provide for a telephony keypad that provides the user with tactile and touch sensitive switch operations for enhanced ergonomics. It is another important objective of the present invention to provide for optimum spacing and precision operation of the tactile buttons and switch operations."

In addition to the above, Crisan does not claim, teach or render obvious that "the depressible areas of each button be positionally rotated relative to the depressible areas of an adjacent button." See Crisan written disclosure and every Figure 1-10. Contrary to Crisan, some preferred embodiments of the present invention have "the depressible areas of each button positionally rotated relative to the depressible areas of an adjacent button." Finally, Crisan does not claim, teach or render obvious that "the depressible areas of each button be positionally rotated about 45 degrees relative to the positioning of the depressible areas of an adjacent button." Yet again contrary to Crisan, in some preferred embodiments of the present invention "the depressible areas of each button are positionally rotated about 45 degrees relative to the positioning of the depressible areas of an adjacent button." **Applicant can not overemphasize the fundamental, structural and functional differences between the Macor**

**keypad, and the Crisan keypad, because the fundamental structural and functional differences affect profound differences in ergonomics, precise human data entry and the effective miniaturization of keypads. Furthermore, it is believed that the Crisan keypad actually teaches (one skilled in the art) away from the present invention and the objectives set forth by applicant regarding the form and function of the keypad buttons and the optimum spacing of the buttons to effectively miniaturize telephony keypads without sacrificing ergonomics and precise human data entry.**

In view of the above, it is believed that previously presented claims 21-40, and new claims 41-45 inclusive should be allowable, and an expeditious allowance is earnestly solicited. Applicant wishes to respectfully acknowledge and thank Examiner Drew Hirshfeld for his guidance and assistance pursuant to a telephonic interview on 03/15/2005 which has caused the applicant to respond in a way that is believed to have advanced this case. Finally, and regardless of the outcome hereof, Applicant recognizes and appreciates the dedication of Examiner Hirshfeld and his sincere desire to achieve quality examinations.

Thank you.

15

Respectfully Submitted,



Richard J. Macor  
26 Alpaugh Drive  
Asbury, NJ 08802-1213  
Phone (908) 479-6011  
FAX (908) 479-6645

**Dated 03/23/2005  
Via Facsimile Only**